



08 AUG 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Michael S. Gzybowski
Butzel Long
350 South Main Street
Suite 300
Ann Arbor, MI 48104

In re Application of	:	
ABE, Katsumi	:	
Application No.: 10/538,691	:	DECISION ON PETITION
PCT No.: PCT/JP03/11697	:	
Int. Filing Date: 12 September 2003	:	
Priority Date: None	:	
Attorney Docket No.: 121036-0082	:	
For: MAGNETIC ENCODER	:	

This decision is in response to applicants' "Response to Notification of Abandonment Petition to Withdraw Abandonment and Petition to Maintain Original Filing Date" filed 27 March 2006, which is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 12 September 2003, applicants filed international application no. PCT/JP03/11697 which claimed no priority date. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 24 March 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 12 March 2006.

On 10 June 2005, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee and a copy of the international application. (The Transmittal Letter (PTOS-1390) incorrectly indicated the "priority date claimed" as 27 June 2002. This information has been removed from the USPTO PALM Database.)

On 09 March 2006, the United States Elected Office mailed a NOTIFICATION OF ABANDONMENT UNDER 37 CFR 1.495 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2).)

On 27 March 2006, applicants filed the present petition to withdraw the holding of abandonment.

DISCUSSION

A review of the application file and present petition reveals that the above identified application is the United States national stage application of PCT/JP03/11697 which claimed no priority date. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the international filing date, 12 March 2006. On 10 June 2005, applicants filed the appropriate basic national fee. Therefore, the payment of the basic national fee was timely and the Notification of Abandonment was mailed in error.

CONCLUSION

For the reasons above, the request is GRANTED and the Notification of Abandonment mailed 09 March 2006 is hereby VACATED. The holding of Abandonment is withdrawn.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459